

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Thomas Dillon,

NO. C 10-05238 JW

Plaintiff,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

v.


Continental Casualty Company,

Defendant.

This case is scheduled for a Case Management Conference on February 14, 2011. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (See Docket Item No. 21.) In the Joint Statement, the parties contend that they have stipulated to delay the commencement of discovery until after Defendant files its Answer. (Id. at 4.) Further, Defendants have a Motion to Dismiss currently set for hearing on April 4, 2011. (See Docket Item No. 15.)

In light of Defendant's pending dispositive Motion and stipulation to forgo discovery, the Court finds that a Case Management Conference is premature at this time. Accordingly, the Court VACATES the February 14 Conference. The Court will set a new Case Management Conference date in its Order addressing Defendant's Motion to Dismiss, if necessary.

Dated: February 9, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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10 **Dated: February 9, 2011**

Richard W. Wieking, Clerk

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12 **By: /s/ JW Chambers**
13 **Elizabeth Garcia**
14 **Courtroom Deputy**
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